

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

HAL RICHARD LaVALLEY,

Petitioner,

-against-

05-CV-1238

SUPERINTENDENT,

Respondent.

THOMAS J. McAVOY,
Senior United States District Judge

DECISION & ORDER

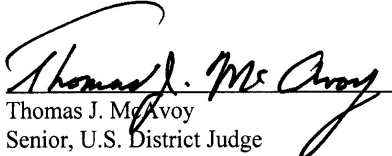
This *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 was referred to the Hon. Victor Bianchini, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.4.

No objections to the Report and Recommendation dated December 4, 2007 have been filed. After examining the record, this Court has determined that the Report and Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report and Recommendation for the reasons stated therein. It is therefore

ORDERED that the petition for a writ of habeas corpus is **DENIED** and **DISMISSED**. Further, the Court finds there is no substantial question presented for appellate review, and, therefore, a certificate of appealability is **DENIED**.

IT IS SO ORDERED

DATED: January 8, 2008


Thomas J. McAvoy
Senior, U.S. District Judge